

REMARKS

The Examiner has maintained the rejections previously set forth in the prior official action. In addition, the Examiner has responded to Applicant's arguments. In particular the Examiner has noted five points that Applicant has raised in a prior response and has provided arguments in traverse thereof.

Applicant, in prior responses, has argued that there is no association of an icon with regard to a particular user as taught and claimed by Applicant. In response thereto, the Examiner cites Jalili at column 6, lines 54-55, column 7, lines 9-10 and column 6, lines 12-14 and column 9, lines 14-15. Applicant respectfully submits that the Jalili reference does not teach or suggest an icon associated with a particular user as taught and claimed by Applicant. In the present invention the icons are unique to each individual user such that instructions may be associated with that particular user. As set forth at page 9, lines 25 et al., the icon can be used for identifying other individuals found within digital images to which the image is to be forwarded. In addition, the icon can be used for various purposes, for example, for identifying individuals within a particular image and also used to identify images that the user wishes to send to him. The icon in the present invention is used to identify specific images and associate specific instructions with regard with the identified images. This is in contrast to Jalili wherein the icons that are displayed on a screen are used to control unauthorized access to a database. The icons are not specific to a particular user, they are used to allow the person at the display to enter a specific code to allow access to a particular database. These icons are used simply to allow the entry of a specific code. As set forth at column 2, lines 1-3 of the Jalili reference, they are directed to solve a problem of other individuals observing direct keyboard entry of passwords and other data which is susceptible to other readable observation by a third party. As set forth at column 6, lines 32-37 of Jalili, and Fig. 4, the server subsystem generates a display image 250, depicted in Fig. 4, bearing a group of icons, pseudorandomly arranged, arrayed or otherwise presented on the display device 104. Again, at column 8, lines 25-32 discusses the pseudorandom location of these icons. As shown in Fig. 8, there is a flow diagram as to the operation of the user. In particular it can be seen that the user uses the location of the icons for entering of the appropriate code. Thus, as can be

seen, the Jalili reference does not teach or suggest creating an electronic icon containing information unique to a particular user and allowing access over a communication by a third party. Quite the contrary, Jalili is directed to providing restricted access and not allowing third parties to have access. Thus, the Jalili reference teaches away from the present invention. Accordingly, Applicant respectfully submits that the Jalili could not teach or suggest the claimed invention.

The Examiner noted that Applicant's distinguish the Savitzsky reference as not teaching or suggesting an icon being created that contains information unique to a particular user that allows access with respect to the particular media file by a third party over a communication network. In response to this point, the Examiner refers to Jalili as disclosing a server generating a display image which includes icons based on user selections. The Examiner further goes on that the icon serves as identical indicators and element of data or password. The Examiner is correct in that the icons and their locations are directed to passwords, however, it does not teach or suggest the ability for creating an electronic icon unique to a particular user which allows access with respect to a particular digital media file associated therewith over a communication network by a third party. In the present invention, it is the individual that creates the icon. In Jalili the server displays a plurality of stored icons from which the user may use for providing entry of a password. As previously discussed, the icons of Jalili are designed to restrict access to a particular user. In the present invention, the initial user allows access by a third party, again in complete contradiction to Jalili. In the present invention it is the user that creates the icon that provides instruction for allowing access. There is no teaching or suggestion in Jalili or Savitzsky of doing so. In summary, Applicant respectfully submits that the prior art does not teach or suggest the invention as claimed and is respectfully submitted that the claims as presently set forth are patentably distinct over the cited art.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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